



# The Planning Inspectorate

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Ms A Atkins  
Mid Sussex District Council  
Planning Department  
Oaklands  
Oaklands Rd  
Haywards Heath  
W Sussex  
RH16 1SS

Your Ref: HA/07/01107/OUT  
Our Ref: APP/D3830/A/07/2054498/NWF  
Further appeal references at foot of letter  
Date: 9 January 2008

Dear Ms Atkins

**Town and Country Planning Act 1990  
Appeals by Perfectfield Developments Ltd  
Site at Wilmington Lodge & Beech House, Orchard Lane, Hassocks, BN6 8QF**

I enclose a copy of our Inspector's decision on the above appeals.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

**If you have any queries relating to the decision please send them to:**

**Quality Assurance Unit**  
The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: [complaints@pins.qsi.gov.uk](mailto:complaints@pins.qsi.gov.uk)



Yours sincerely



Nathan Lumber

COVERDL1

Further appeal references:- APP/D3830/A/07/2049971



You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcportal/casearch.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



# Appeal Decisions

Hearing held and site visit made on  
22 November 2007

by **C J Ball** RIBA IHBC FRSA

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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4/11 Eagle Wing  
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Decision date:  
9 January 2008

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## Wilmington Lodge and Beech House, Orchard Lane, Hassocks BN6 8QF

### Appeal A: APP/D3830/A/07/2049971

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Perfectfield Developments Ltd against the decision of Mid-Sussex District Council.
- The application Ref HA/06/02682/OUT, dated 7 December 2006, was refused by notice dated 23 March 2007.
- The development proposed is the demolition of 2 houses and ancillary outbuildings and the erection of 13 dwellings comprised of 8 houses and 5 apartments.

**Decision: I dismiss the appeal**

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### Appeal B: APP/D3830/A/07/2054498

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Perfectfield Developments Ltd against the decision of Mid-Sussex District Council.
- The application Ref HA/07/01107/OUT, dated 26 April 2007, was refused by notice dated 8 August 2007.
- The development proposed is the demolition of 2 houses and ancillary outbuildings and the erection of 14 dwellings comprised of 8 houses and 6 apartments.

**Decision: I allow the appeal** and grant planning permission for the erection of 14 dwellings comprised of 8 houses and 6 apartments at Wilmington Lodge and Beech House, Orchard Lane, Hassocks in accordance with the terms of the application Ref HA/07/01107/OUT, dated 26 April 2007, and the plans submitted with it, subject to the conditions set out in Annex A.

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### Preliminary matters

1. The Appeal A application was submitted in outline with layout and access to be considered as part of the application. The matters of scale, appearance and landscaping were reserved for future consideration. Illustrative drawings give an indication of the form the development could take.
  2. The Appeal B application is intended to address the reasons for refusal of the Appeal A scheme. It was submitted in outline with the matters of layout, scale, appearance and access originally all to be considered as part of the application. It was subsequently agreed that scale and appearance should be reserved matters, along with landscaping, and that the elevation drawings should be considered to be illustrative. The application was determined on this basis.
  3. The applications were refused for 3 similar reasons with, in the case of Appeal A, an additional highway safety reason. In the appeal submissions, the appellant requested that amended drawings for Appeal A be taken into account. These show revisions to the layout,
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amending the form of 1 house in the south-west group of 3, and to the access, improving the entrance lane and reducing the visibility splay in agreement with the highway authority. The amended drawings were submitted at an early stage to the Council, who were able to make responses. Local residents were able to comment at the hearing and, since the changes do not materially alter the nature of the scheme, I do not consider that substituting the amended drawings for the application drawings would prejudice the interests of any other party. I shall therefore determine Appeal A on the basis of the amended scheme.

4. The Council agrees that the access amendments would overcome the highways reason for refusal in Appeal A. I shall therefore consider the appeals together, highlighting the differences between the proposals where necessary.

### **Main issues**

5. Accordingly, I consider there to be 3 main issues in these appeals:
  - (1) the effect the proposed development would have on the character and appearance of the area, with particular regard to the loss of trees protected by a Tree Preservation Order;
  - (2) the effect of the development on the living conditions of neighbours, with regard to overlooking and loss of outlook; and
  - (3) the impact the proposal would have on the adequacy of local infrastructure.

### **Policy background**

6. In order to secure a smooth transition from the old development plan system to the new Local Development Framework system, Schedule 8 of the Planning and Compulsory Purchase Act 2004 made provision for a transitional period of 3 years in which older development plans would continue to have statutory effect. Thus development plans adopted before September 2004 no longer have effect after 27 September 2007 unless they have been saved by Direction of the Secretary of State.
7. Both the West Sussex Structure Plan and the Mid-Sussex Local Plan were adopted in 2004. In each case, the policies referred to in the reasons for refusal have been saved.

### **Reasons**

8. Wilmington Lodge and Beech House occupy 2 adjacent, and very large, plots within the built-up area, close to the village centre. Shops and other facilities are within easy walking distance and there is ready access to public transport. Thus, in the terms of national guidance in PPS3 *Housing*, the site is previously-developed urban land in a sustainable location, the kind of site which should be given priority for development in order to reduce pressure for development on green field sites.
9. The Council's *Urban Potential Study* identifies the site as suitable for development and, in recognition of the constraints imposed by the protected trees and the proximity of neighbours, indicates that a medium density development of 15 units would be appropriate. The Council therefore has no objections in principle to either proposal.
10. The existing access to Wilmington Lodge would be closed and a new access to the site would be created off Orchard Lane, a wide track giving access to Beech House and, further on, to Annandale and Annandale Lodge. It is also a public footpath. While the lane is privately owned, the access improvements shown would meet the standards required by the highway authority, so safeguarding the interests of other users. The formation of a visibility splay on Keymer Road at the entrance to Orchard Lane would also improve the safety of the vehicular exit at the Parish Centre next door.

***The effect the proposed development would have on the character and appearance of the area***

11. The area is characterised by its many mature trees which add significantly to the quality of the local environment. The site frontage trees, most protected by TPOs, sit on a bank above road level and are a major feature of the street scene in Keymer Road. The 70 m visibility splay necessary to form a safe road access at Orchard Lane would result in some cutting back of the bank and the loss of 2 protected trees, a lime (T4) and an oak (T3). This would be contrary to Local Plan Policy B7, which is intended to prevent the loss of trees which are of significant public amenity value.
12. However, I saw that the lime tree has a growth fault and may become unsafe; it is unlikely to have a long life expectancy. The oak tree, a more mature specimen, is suppressing a younger, better quality beech tree (T2) immediately behind it, also protected by the TPO. The removal of the oak would allow the beech to flourish. The dense planting of trees and shrubs on the frontage would be otherwise unaffected. New trees could be planted to replace those lost and this, together with appropriate landscaping of the visibility splay, would help ensure the continuation of tree and shrub cover on the site. I therefore consider that the harmful impact of the loss of these 2 trees on the quality of the street scene would be relatively limited.
13. There would be some removal of low-quality trees but other TPO trees within the site would be unaffected by development, subject to their protection during construction. In Appeal B, the Council is concerned that the new apartment block (plots 9-14) would be so close to these trees that there would be irresistible pressure to lop or fell them in order to maintain sunlight and daylight levels within the apartments. There would be protected trees close to the east and west facades of the building. However, the illustrative plans indicate that bedrooms would face north and principal living rooms would face south, with very limited openings to east and west. There would be a substantial area of open garden to the south of the apartment building. While tree T2, a little further south, is tall and is still to grow to maturity, it is a lightly foliated deciduous beech, a species that allows a good percentage of sunlight to filter through the leaf canopy.
14. I consider that there would be no TPO trees so close to principal living room windows that they would obstruct sunlight and daylight to the extent that their reduction or removal would be warranted. In my view, one of the attractions to potential residents would be the mature landscaping on the site. The layout has been carefully designed to incorporate the protected trees and I consider it most unlikely that there would be any real pressure to remove trees for these reasons. If there is, the Council has full control over TPO trees and would be fully justified in resisting it.
15. I therefore consider that, while 2 protected trees would be lost on the frontage, this would be mitigated by new planting. This new landscaping would contribute to the cycle of renewal of trees and would help to ensure the long-term survival of tree cover on the site. There would be no loss of TPO trees within the site. With this in mind I find that there would be no significantly harmful effect on the character and appearance of the area.

***The effect of the development on the living conditions of neighbours***

16. In both cases, the Council's concerns relate to the position of the block of 3 houses (Appeal A) and 2 houses (Appeal B) in relation to the houses in Wilmington Close on the western boundary of the site. Both blocks would be at an oblique angle to the common boundary, facing south-west.
17. In Appeal A, the building would be between 8-10 m from the boundary. The houses in Wilmington Close have small rear gardens, so most are a similar distance from the boundary. However, immediately opposite plot 6 at its closest to the boundary, an extension to No.2 Wilmington Close brings it to within 4-5 m of the boundary. I am not

convinced that the house on plot 6 in particular could be designed so that mutual overlooking from such close proximity could be avoided. I also consider that the building would be so close to the boundary that it would have an overbearing presence, dominating the outlook from the existing houses. These factors would diminish the quality of living conditions for residents in Wilmington Close.

18. In Appeal B, the block of 2 houses would be substantially further from the boundary – a distance of about 12 m at the closest point. Illustrative plans show that plot 7 could have a lower, catslide roof with roof windows and a dormer. In my view, this would substantially reduce the bulk and visual impact of the building. This, with the greater distance from the boundary and reduction in building size, would mean that the building would not dominate the outlook from houses in Wilmington Close or result in unacceptable loss of privacy through close quarters overlooking.
19. I therefore consider that Scheme A would inevitably have an unacceptably harmful effect on the living conditions of neighbours. The block of 3 houses would not respect or integrate sufficiently well with its neighbours in Wilmington Close, in conflict with Structure Plan Policy DEV1 and Local Plan Policy B1. On the other hand, the more carefully considered Scheme B would be sited, and could be designed, to avoid these problems.

***The impact the proposal would have on the adequacy of local infrastructure***

20. Structure Plan Policy DEV3 requires new development to meet the infrastructure needs it creates in order to avoid overloading existing infrastructure and imposing costs on existing residents. Local Plan Policy G3 confirms that such provision can be secured by means of financial contributions and the Council's adopted Supplementary Planning Document (SPD) *Development and Infrastructure* gives details of the services for which infrastructure contributions may be sought, the costs of providing such infrastructure and the method of calculating contributions.
21. At application stage, the Council advised the appellant that the development would generate a need for off-site play space, kickabout space, formal sport, public arts, highways and library infrastructure improvements. The failure to agree to make these contributions led to a reason for refusal for both applications. The appellant considers that there is no clear justification for these contributions, in terms of need and relevance to the development, to satisfy the tests of Circular 05/2005 *Planning Obligations*.
22. Smaller developments like this cannot generate sufficient funds for specific projects but have to be aggregated with other infrastructure contributions. Paragraphs B21-B24 of the Circular deal with pooled contributions, and require local authorities to set out in advance the need for this jointly supported infrastructure and the likelihood of the contributions being made. The SPD meets this requirement. Paragraph B22 of the Circular goes on to say that, for smaller schemes, it is appropriate to seek contributions to specific future provision. The Council has clearly specified the areas where future provision is required.
23. Just prior to the hearing, the appellant submitted for each application a 'without prejudice' unilateral undertaking as a deed of planning obligation under s106 of the Act. At the hearing, the Council confirmed that the undertakings would overcome this reason for refusal. In view of the above considerations, I consider the undertakings to be necessary and appropriate to the development of this site. I shall therefore take the benefits of these undertakings into account in coming to my overall decision.

**Other matters**

24. Local residents are concerned about the impact of the development on water supply and on the existing sewage disposal and surface water drainage systems. I understand these concerns but I must rely on the formal consultation responses from the responsible bodies which indicate that, provided proper measures are taken on site, there should be no harmful impact. I can ensure by condition that the necessary measures are taken.

***The effect the proposed development would have on the character and appearance of the area***

11. The area is characterised by its many mature trees which add significantly to the quality of the local environment. The site frontage trees, most protected by TPOs, sit on a bank above road level and are a major feature of the street scene in Keymer Road. The 70 m visibility splay necessary to form a safe road access at Orchard Lane would result in some cutting back of the bank and the loss of 2 protected trees, a lime (T4) and an oak (T3). This would be contrary to Local Plan Policy B7, which is intended to prevent the loss of trees which are of significant public amenity value.
12. However, I saw that the lime tree has a growth fault and may become unsafe; it is unlikely to have a long life expectancy. The oak tree, a more mature specimen, is suppressing a younger, better quality beech tree (T2) immediately behind it, also protected by the TPO. The removal of the oak would allow the beech to flourish. The dense planting of trees and shrubs on the frontage would be otherwise unaffected. New trees could be planted to replace those lost and this, together with appropriate landscaping of the visibility splay, would help ensure the continuation of tree and shrub cover on the site. I therefore consider that the harmful impact of the loss of these 2 trees on the quality of the street scene would be relatively limited.
13. There would be some removal of low-quality trees but other TPO trees within the site would be unaffected by development, subject to their protection during construction. In Appeal B, the Council is concerned that the new apartment block (plots 9-14) would be so close to these trees that there would be irresistible pressure to lop or fell them in order to maintain sunlight and daylight levels within the apartments. There would be protected trees close to the east and west facades of the building. However, the illustrative plans indicate that bedrooms would face north and principal living rooms would face south, with very limited openings to east and west. There would be a substantial area of open garden to the south of the apartment building. While tree T2, a little further south, is tall and is still to grow to maturity, it is a lightly foliated deciduous beech, a species that allows a good percentage of sunlight to filter through the leaf canopy.
14. I consider that there would be no TPO trees so close to principal living room windows that they would obstruct sunlight and daylight to the extent that their reduction or removal would be warranted. In my view, one of the attractions to potential residents would be the mature landscaping on the site. The layout has been carefully designed to incorporate the protected trees and I consider it most unlikely that there would be any real pressure to remove trees for these reasons. If there is, the Council has full control over TPO trees and would be fully justified in resisting it.
15. I therefore consider that, while 2 protected trees would be lost on the frontage, this would be mitigated by new planting. This new landscaping would contribute to the cycle of renewal of trees and would help to ensure the long-term survival of tree cover on the site. There would be no loss of TPO trees within the site. With this in mind I find that there would be no significantly harmful effect on the character and appearance of the area.

***The effect of the development on the living conditions of neighbours***

16. In both cases, the Council's concerns relate to the position of the block of 3 houses (Appeal A) and 2 houses (Appeal B) in relation to the houses in Wilmington Close on the western boundary of the site. Both blocks would be at an oblique angle to the common boundary, facing south-west.
17. In Appeal A, the building would be between 8-10 m from the boundary. The houses in Wilmington Close have small rear gardens, so most are a similar distance from the boundary. However, immediately opposite plot 6 at its closest to the boundary, an extension to No.2 Wilmington Close brings it to within 4-5 m of the boundary. I am not

## **ANNEX A**

Schedule of conditions to be attached to the planning permission for the erection of 14 dwellings comprised of 8 houses and 6 apartments at Wilmington Lodge and Beech House, Orchard Lane, Hassocks in accordance with the terms of the application Ref HA/07/01107/OUT, dated 26 April 2007, and the plans submitted with it:

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing and proposed finished levels; the location and root protection area of retained trees and their method of protection; means of enclosure; screen walls, hedges and fences; car parking layouts; other vehicle and pedestrian access and circulation areas; drainage runs and other excavated works; and hard surfacing materials.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 7) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of first occupation of the first dwelling:
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.



- 8) No development shall take place until full details of both the surface water and foul drainage systems and means of disposal have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all drainage works have been carried out in accordance with the approved details.
- 9) No development shall take place until details of domestic water-saving measures for all the approved dwellings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No development shall take place until details of the construction and surface finish of the access roads in Orchard Lane and within the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No dwelling shall be occupied until parking and turning space has been provided within the site in accordance with the submitted drawings. The space so provided shall not thereafter be used for any other purpose than the parking and turning of vehicles.
- 12) No development shall take place until details of the siting and design of enclosures for the storage of dustbins or other refuse containers have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until such storage enclosures have been provided in accordance with the approved details.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension shall be added to any house and no garage shall be constructed on the site without express planning permission.
- 14) No demolition or construction works shall take place on the site except between the hours of 0800-1800 Mondays to Fridays, 0800-1300 on Saturdays and not at all on Sundays, Bank or Public Holidays.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall indicate the provision for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) contractors' site huts
  - iii) loading and unloading of plant and materials
  - iv) storage of plant and materials used in constructing the development
  - v) the erection and maintenance of security hoarding
  - vi) wheel washing facilities
  - vii) measures to control the emission of dust and dirt during construction
  - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

## APPEARANCES

### FOR THE APPELLANT:

Paul Dickinson BA(Hons) MRTPI MRICS  
FLandInst MCMI

Paul Dickinson and Associates, Sunbury International  
Business Centre, Brooklands Close, Windmill Road,  
Sunbury on Thames.

Richard Grainger DipArb(RFS) MICFor  
FArborA

Tree Management Consulting LLP, 21 Burpham Lane,  
Guildford.

### FOR THE LOCAL PLANNING AUTHORITY:

Steven King BSc(Hons) DipTP MRTPI

Senior Planning Officer, Mid-Sussex District Council.

### INTERESTED PERSONS:

Noel Thomas

Chairman, Hassocks Parish Council, 11 Challow Close,  
Hassocks.

Simon Osborne, Solicitor, on behalf  
of the owners of Annandale and  
Annandale Cottage.

14 Herons Place, Old Isleworth, London.

Eileen Edwards

3 Wilmington Close, Hassocks.

### ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING

- 1 Final signed copies of appellant's 2 unilateral undertakings.
- 2 Secretary of State's Directions on saved policies relating to the West Sussex Structure Plan and the Mid Sussex Local Plan.
- 3 Copy of appeal decisions APP/D3830/A/07/2043168 & 2041327.
- 4 Parish Council's photographs of visibility at entrance.
- 5 Copy of Environment Agency's fact sheet relating to local sewage infrastructure.
- 6 Newspaper photograph of flooding in Keymer Road.



# The Planning Inspectorate

An Executive Agency in the Department for Communities and  
Local Government and the National Assembly for Wales

## Challenging the Decision in the High Court

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### ***Challenging the decision***

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

### ***Grounds for challenging the decision***

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

### ***Different appeal types***

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

### ***Challenges to planning appeal decisions***

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions and advertisement appeals.). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

### ***Challenges to enforcement appeal decisions***

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

**Important Note** - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

## **Frequently asked questions**

"Who can make a challenge?" - In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land - other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this - see Further Information).

"How much is it likely to cost me?" - A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees - see 'Further information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" - This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

"Will a successful challenge reverse the decision?" - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

"What can I do if my challenge fails?" - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

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## **Inspection of appeal documents**

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

## **Further information**

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: [www.courtservice.gov.uk](http://www.courtservice.gov.uk)

## **Council on tribunals**

If you have any comments on appeal procedures you can contact the Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ. Telephone 020 7855 5200; website: <http://www.council-on-tribunals.gov.uk/>. However, it cannot become involved with the merits of individual appeals or change an appeal decision.

## **Contacting us**

High Court Section  
The Planning Inspectorate  
4/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8962

### **Website**

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

### **General Enquiries**

Phone: 0117 372 6372

E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

### **Complaints**

Phone: 0117 372 8252

E-mail: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)

### **Cardiff Office**

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ

Phone: 0292 082 3866

E-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

### **The Parliamentary Ombudsman**

Office of the Parliamentary  
Commissioner for Administration  
Millbank Tower, Millbank  
London, SW1P 4QP

Helpline: 0845 0154033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

E-mail:

[phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)



# The Planning Inspectorate

An Executive Agency in the Department for Communities & Local Government and the National Assembly for Wales

## Our Complaints Procedures

### **Complaints**

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to explain things as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

### **How we investigate complaints**

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

The Quality Assurance Unit works independently of all of our casework teams. It ensures that all complaints are investigated thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms. We aim to give a full reply within three weeks wherever possible. To assist our investigations we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

### **What we will do if we have made a mistake**

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. Minor slips and errors may be corrected under Section 56 of the Planning & Compulsory Purchase Act 2004 provided we are notified within the relevant High Court challenge period, but we cannot amend or change in any way the substance of an Inspector's decision.

### **Who checks our work?**

The Government has said that 99% of our decisions should be free from error.

An independent body called the Advisory Panel on Standards (APOS) monitors this and regularly examines the way we deal with complaints. We must satisfy it that our procedures are fair, thorough and prompt.

## **Taking it further**

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary Commissioner for Administration (often referred to as The Ombudsman), who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

## **Frequently asked questions**

*"Can the decision be reviewed if a mistake has happened?"* – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

*"So what is the point of complaining?"* – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

*"Why did an appeal succeed when local residents were all against it?"* – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds whether these views justify refusing planning permission.

*"What do the terms 'Allowed' and 'Dismissed' mean on the decision?"* – 'Allowed' means that Planning Permission has been granted, 'Dismissed' means that it has not.

*"How can Inspectors know about local feeling or issues if they don't live in the area?"* – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

*"I wrote to you with my views, why didn't the Inspector mention this?"* – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

*"Why did my appeal fail when similar appeals nearby succeeded?"* – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

*"I've just lost my appeal, is there anything else I can do to get my permission?"* – Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to its planning officer about this might help you explore your options.

*"What can I do if someone is ignoring a planning condition?"* – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. It can investigate and has discretionary powers to take action if a condition is being ignored.

## **Further information**

Each year we publish our Annual Report and Accounts, setting out details of our performance against the targets set for us by Ministers and how we have spent the funds the Government gives us for our work. We publish full statistics of the number of cases dealt with during the preceding year on our website, together with other useful information (see 'Contacting us'). You can also obtain booklets which give details about the appeal process by telephoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or on the ODPM website - [www.communities.gov.uk](http://www.communities.gov.uk)

## **Contacting us**

### **Complaints and Queries**

Quality Assurance Unit  
The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8252

Email: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)

### **Website**

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

### **Enquiries**

Phone: 0117 372 6372

E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

### **Cardiff Office**

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ

Phone: 0292 082 3866

E-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

### **The Parliamentary & Health Service Ombudsman**

Millbank Tower, Millbank  
London, SW1P 4QP

Helpline: 0845 0154033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

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